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UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW JERSEY
NEWARK DIVISION

ZUFFA, LLC d/b/a Ultimate Fighting
Championship,

COMPLAINT
Civil Action No.

Plaintiff,

-against-

DAVID LEMBO, Individually, and as officer, director,
shareholder, principal, manager and/or member of JERSEY
AXE HOUSE LLC,

and

JERSEY AXE HOUSE LLC,

Defendants.

Plaintiff, ZUFFA, LLC d/b/a Ultimate Fighting Championship (hereinafter
“Plaintiff”), by its attorneys, LONSTEIN LAW OFFICE, P.C., complaining of the
Defendants herein respectfully sets forth and alleges, as follows:

FACTUAL ALLEGATIONS

1. Plaintiff is a Nevada Limited Liability Company who is in the business of obtaining commercial rights to sporting events in the United States and sells the right to perform the copyrighted sporting events to commercial establishments to exhibit to the public.
2. Plaintiff depends on commercial establishments to pay the requisite fee in order to continue to stay in business and provide sports content to consumers.
3. Plaintiff is the owner of the UFC 254 - Khabib vs. Gaethje Event scheduled for October 24, 2020, which originated via encrypted satellite, cable and IPTV (streaming) signal. Said Program originated via satellite uplink and was subsequently re-transmitted via encrypted satellite, cable and IPTV/ streaming signal (hereinafter referred to as the “Program”).
4. The Certificate of Registration was filed with the U.S. Copyright Office on January 19, 2021 under Registration Number PA 2-315-092.
5. In the instant case, the copyright protection did nothing to deter Defendants from publicly performing the UFC 254 - Khabib vs. Gaethje Event scheduled for October 24, 2020.

“UFC 254 – Khabib vs. Gaethje”

6. UFC is one of Plaintiff’s most popular programming series and any advertisement for the event has Plaintiff’s logo and information on the advertisement.
7. Defendants DAVID LEMBO, Individually, and officer, director,

shareholder, and/or principal JERSEY AXE HOUSE LLC (hereinafter referred to as “Defendants”) publicly performed the Program.

JURISDICTION AND VENUE

8. This is a civil action seeking damages for violation of Copyright laws, copyright infringement under the copyright laws of the U.S. (17 U.S.C. §101, et seq.).

9. This Court has jurisdiction under 17 U.S.C. §101, et seq. and 28 U.S.C. Section §1331, which states that the district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States; and 28 U.S.C. Section §1338(a) (copyright).

10. Upon information and belief, venue is proper in this court because, inter alia, a substantial part of the events or omissions giving rise to the claim occurred within Essex County, which is within the District of New Jersey, Newark Division (28 U.S.C. § 1391(b) and 28 U.S.C. §110).

11. This Court has personal jurisdiction over the parties in this action. Defendants to this action had or have an agent or agents who has or had independently transacted business in the State of New Jersey and certain activities of Defendants giving rise to this action took place in the State of New Jersey; more particularly, Defendants’ acts of violating federal laws and the proprietary rights of Plaintiff, took place within the State of New Jersey. Moreover, upon information and belief, Defendants have their principal place of business within the State of New Jersey; thus, this Court has personal jurisdiction over Defendants.

12. The amount in controversy is above \$75,000.00 and the Cause of Action arises out of 17 U.S.C. §501(a) and (b), giving this court Federal Question Jurisdiction.

THE PARTIES

13. The plaintiff is a Nevada Limited Liability Company with its principal place of business located at 6650 S. Torrey Pines Drive, Las Vegas, Nevada 89118.

14. Plaintiff is the owner of the UFC 254 - Khabib vs. Gaethje Event scheduled for October 24, 2020, which originated via encrypted satellite, cable and IPTV (streaming) signal. Said Program originated via satellite uplink and was subsequently re-transmitted via encrypted satellite, cable and IPTV/ streaming signal (hereinafter referred to as the “Program”).

15. Upon information and belief the Defendant, DAVID LEMBO, resides at 263 Broughton Ave, Bloomfield, NJ 07003.

17. Upon information and belief the Defendant, DAVID LEMBO was the officer, director, shareholder, and/or principal of JERSEY AXE HOUSE LLC located at 52 East Center St, Nutley, NJ 07110.

18. Upon information and belief the Defendant, DAVID LEMBO, was the individual with supervisory capacity and control over the activities occurring within the establishment known as JERSEY AXE HOUSE LLC, located at 52 East Center St, Nutley, NJ 07110.

19. Upon information and belief the Defendant, DAVID LEMBO, received a

financial benefit from the operations of JERSEY AXE HOUSE LLC, on October 24, 2020.

20. Upon information and belief the Defendant, DAVID LEMBO, was the individual with close control over the internal operating procedures and employment practices of JERSEY AXE HOUSE LLC, on October 24, 2020.

21. Upon information and belief the Defendant, JERSEY AXE HOUSE LLC is a domestic corporation licensed to do business in the State of New Jersey and was doing business as JERSEY AXE HOUSE.

22. Upon information and belief, the Defendant, JERSEY AXE HOUSE LLC, is located at 52 East Center St, Nutley, NJ 07110, and had a capacity for 1-50 people on October 24, 2020.

23. Upon information and belief, Defendant, *jointly and severally*, advertised on social media, including but not limited to the Establishment's Facebook & Instagram pages, for the exhibition of Plaintiff's Broadcast within the commercial establishment known as JERSEY AXE HOUSE LLC. Please see Exhibit "A" attached hereto.

24. Upon information and belief, the Defendant, JERSEY AXE HOUSE LLC, is a business entity, having its principal place of business at 52 East Center St, Nutley, NJ 07110.

25. Upon information and belief, Defendants, *jointly and severally*, received a commercial benefit by not paying the commercial licensing fee to the Plaintiff for the Broadcast and obtaining same through alternative means.

COUNT I

26. Plaintiff hereby incorporates paragraphs “1” through “25” as though fully set forth herein.

27. Plaintiff, by contract, is the copyright owner of the exclusive rights of distribution and public performance as to commercial establishments to the broadcast, including all undercard matches and the entire television Broadcast for UFC 254 - Khabib vs. Gaethje Event scheduled for October 24, 2020, via closed circuit television and via encrypted satellite signal.

28. The Certificate of Registration was filed with the U.S. Copyright Office on January 19, 2021 under Registration Number PA 2-315-092. The Broadcast originated via encrypted satellite, cable and IPTV (streaming) signal. Said Program originated via satellite uplink and was subsequently re-transmitted via encrypted satellite, cable and IPTV/ streaming signal

29. As the copyright holder of the rights to the UFC 254 - Khabib vs. Gaethje Event, Plaintiff has rights to the Broadcast, including the right of performance as well as the licensing to commercial establishments for the right to exhibit same.

30. As the copyright holder of the rights to the UFC 254 - Khabib vs. Gaethje Even, Plaintiff has rights to the Broadcast, including the right of distribution as well as the licensing to commercial establishments for the right to exhibit same.

31. Defendants never obtained the proper authority or license from Plaintiff, to publicly exhibit the UFC 254 - Khabib vs. Gaethje Event scheduled for October 24, 2020

and was identified by Plaintiff advertising and exhibiting the Program to a packed establishment.

32. Upon information and belief, with full knowledge that the UFC 254 - Khabib vs. Gaethje Event Broadcast can only be exhibited within a commercial establishment by the purchasing of a license from Plaintiff, Defendants and/or their agents, servants, workmen or employees illegally intercepted the Broadcast and exhibited same in her commercial establishment on October 24, 2020.

33. Specifically, upon information and belief, the Defendants and/or their agents, servants, workmen and employees unlawfully publicly performed the UFC 254 - Khabib vs. Gaethje Event Broadcast, without paying the appropriate licensing fee to Plaintiff.

34. Plaintiff obtained proof, including video documentation from verifying the Copyrighted event being publicly performed within JERSEY AXE HOUSE LLC, 52 East Center St, Nutley, NJ 07110.

35. Upon information and belief, Plaintiff believes that this conduct was willful through the blatant disregard for the statute and deliberate attempt to deny Plaintiff the licensing fee.

36. By reason of the aforementioned conduct, the Defendants willfully violated 17 U.S.C. §501(a).

37. By reason of the aforementioned Defendants' violation of 17 U.S.C. §501(a), Plaintiff has a private right of action pursuant to 17 U.S.C. §501 (b).

38. As a result of Defendants' willful infringement of Plaintiff's copyrights and

exclusive rights under copyright, by advertising and subsequently displaying Plaintiff's Broadcast, Plaintiff is entitled to damages, in the discretion of this Court, under 17 U.S.C. §504(c)(1) and 504(c)(2), of up to the maximum amount of \$150,000.00.

39. Plaintiff is further entitled to its attorney's fees and costs pursuant to 17 U.S.C. §505.

WHEREFORE, the Plaintiff requests that judgment be entered in its favor and against the Defendants, *jointly and severally*, granting to Plaintiff the following:

(a) Statutory penalties in an amount, in the discretion of this Court, against Defendants, *jointly and severally*, of up \$30,000.00 pursuant to §504(c)(1) and enhanced damages in the amount of \$150,000.00 pursuant to §504(c)(2) for their willful violation of 17 U.S.C. §501(a); and

(b) Attorney's fees, interest, costs of suit as to the Defendants pursuant to 17 U.S.C. §505, together with such other and further relief as this Court may deem just and proper.

DATED: May 19, 2022
Ellenville, New York

ZUFFA, LLC

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